THE HONOURABLE SRI JUSTICE T.CH.SURYA RAO
AND
THE HONOURABLE SRI JUSTICE R.SUBHASH REDDY

W.P.No. 20636 OF 2006

4th October,2006

Between:

Kothapalli Venkatamma w/o:late Maisaiah,
Aged about 45 years, r/o:Beside Packing Company,
Krishnanagar Colony, Road No.7,
Moulali, HousingBoard, R.R. District. …
Petitioner

A N D

Station House Officer, Kushaiguda P.S.
Cyberabad, R.R. District, Ranga Reddy District. …
Respondent

THE HONOURABLE SRI JUSTICE T.CH.SURYA RAO
AND
THE HONOURABLE SRI JUSTICE R.SUBHASH REDDY

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ORDER:(Per TCSR,J.)

1. In this Writ of Habeas Corpus, the petitioner seeks the custody of one Kothapalli Ramesh s/o late Maisaiah before the Court, on the premise that he has been wrongly detained by the respondent, Station House Officer, Kushaiguda P.S.

2. It is alleged inter alia in the affidavit filed in support of the petition that on 4-9-2006 at about 4-00 p.m. when the petitioner and her son were residing in the house, three police personnel came in a civil dress, who belong to Kushaiguda Police Station, entered into their house and took away her son namely Kothapalli Ramesh and that since then he was not produced before the Court nor his whereabouts were known.

3. Notice was ordered earlier to the respondent. Pursuant to which the learned Advocate General appeared before this Court. Thereafter, a counter affidavit annexing there with the material papers has been filed. They include First Information Report registered in Crime No.620 of 2006 of Kushaiguda Police Station and remand report under which the alleged detenu was remanded to the judicial custody. In the counter inter alia it has been denied the allegation that the alleged detenu was taken from his house while in the presence of the

petitioner. It remains a fact to be considered. In the instant habeas corpus writ petition, it is not reasonably possible to arrive at a fact finding, having regard to the paucity of evidence. The fact remains that from a perusal of the F.I.R. and the remand report, the aforesaid Kothapalli Ramesh is obviously in the judicial custody.

4. In that view of the matter, the habeas corpus petition will not survive. It is left open to the petitioner to take appropriate steps as are open to him under law.

5. The habeas corpus writ petition for the above reasons is closed.

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T.CH.SURYA RAO, J.

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R.SUBHASH REDDY, J.

4th October, 2006
KM/MDAA

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